

CITY OF MUSKEGON

CITY COMMISSION MEETING

DECEMBER 11, 2007

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, December 11, 2007.

Mayor Warmington opened the meeting with a prayer from Vice Mayor Stephen Gawron after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Sue Wierengo, Steve Wisneski, Chris Carter, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2007-103 HONORS AND AWARDS:

A. Honorary Ambassador – Jill Barnes, Brenda Moore, and Bob Rajewski.

Commissioner Spataro presented Honorary Ambassador Awards to Jill Barnes, and Bob Rajewski and recognized Brenda Moore who was unable to be present. Thanking them for being good-will ambassadors for the City of Muskegon.

B. Employee Suggestion Awards Program – 2007 Awards.

Commissioner Spataro recognized the following 2007 award winners:

Therese Williams for the first quarter, Kevin Herbert for the second quarter, Ron Archer for the third quarter, and Robert Hartman for the fourth quarter.

Commissioner Wierengo thanked Bob Kuhn, MoHammed Al-Shatel, and Larry DeCou for helping the Leadership Muskegon Program students put up a tree in the roundabout.

2007-104 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, November 27th.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Budgeted Vehicle Purchase. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one Ford Ranger from Whitehall Ford.

FINANCIAL IMPACT: Total cost \$12,900.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase.

C. Revision of the City of Muskegon Groundwater Protection Ordinance. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Stephen Cunningham of the DEQ (local government groundwater ordinance specialist) and the City Attorney's office worked together to make the necessary revisions to the City's current Groundwater Protection Ordinance. The revisions are necessary in order to enforce the ordinance. The areas that needed to be updated and revised are as follows: Clarify the definition of Affected Premises, with regard to DEQ-required buffer zones (Sec. 34-61). Clarify provisions related to preparation of the Appendix Map (Sec. 34-61). Clarify DEQ advance notification provisions (Sec. 34-63). Clarify the prohibition of installation of groundwater wells at Affected Premises (Sec. 34-65(a)). Clarify the exceptions to the prohibition of installation of groundwater wells at Affected Premises (Sec. 34-65(b)(1), Sec. 34-65(b)(2), Sec. 34-65(b)(3), and Sec. 34-65(b)(4). Remove the reference to DEQ divisions that no longer exist (Sec. 34-66). Amend Sec. 34-80 to remove the listing of Affected Premises from the text of the Ordinance, and add the listing of Affected Premises as an attachment to the Appendix Map. Add a new Sec. 34-81 regarding notification to the Register of Deeds, as required by the DEQ. Add a new Sec. 34-82 (severability clause), as required by the DEQ.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the ordinance and authorize the Mayor and City Clerk to sign it and post it in the paper.

D. Agreement to Trade Used Weapons for Patrol Rifle Slings. PUBLIC SAFETY

SUMMARY OF REQUEST: Police Department staff is requesting that the Commission approve an agreement between the City and Gary's Guns, 4021 East Apple, Muskegon, Michigan. This agreement will allow the department to trade in a variety of older weapons that are no longer utilized. In exchange, we

will obtain 20 new patrol rifle slings for the department's patrol rifles. Based upon the total exchange rate, we will also receive additional rifle magazines and magazine couplers that are needed.

The department has also received an offer from Michigan Police Equipment, 6521 Lansing Road, Charlotte, Michigan.

The offer equates to \$37.95 per sling as proposed by Gary's and \$59.25 per sling as proposed by Michigan Police Equipment. As there is no actual money exchange occurring, staff would like to accept the bid from the Muskegon-area business.

FINANCIAL IMPACT: No expenditure of funds to purchase the rifle slings. No staff time needed to market the used weapons.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

E. Appointment of a Freedom of Information Act Coordinator. CITY MANAGER

SUMMARY OF REQUEST: Public Act 553 of 1996 requires that a municipality designate a person as the municipality's Freedom of Information Act coordinator.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends that the resolution be adopted appointing Ann Becker, City Clerk, as the FOIA coordinator and Tony Kleibecker, Chief of Police, as FOIA coordinator to all police-related issues.

F. Appointment to the Downtown Development Authority. CITY CLERK

SUMMARY OF REQUEST: An application has been received for the Downtown Development Authority from Roy Cowdery – Resident in DDA District.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: The Community Relations Committee recommends appointment of Roy Cowdery to the Downtown Development Authority.

G. Organizational Meeting. CITY CLERK

SUMMARY OF REQUEST: This is a request to schedule the City of Muskegon's Organizational meeting on Wednesday, January 2, 2008 at 5:30 p.m.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends setting the date of the Organizational meeting for Wednesday, January 2, 2008.

Motion by Commissioner Carter, second by Commissioner Wisneski to approve the Consent Agenda as read.

ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

2007-105 NEW BUSINESS:

A. Vacant Building Ordinance. CITY MANAGER

SUMMARY OF REQUEST: To approve an ordinance to require the registration of vacant buildings and require annual registration fees.

FINANCIAL IMPACT: Unknown at this time what revenues and expenses will be generated from this ordinance.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the ordinance.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the vacant building ordinance.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: None

Absent: Wierengo (excused)

MOTION PASSES – REQUIRES SECOND READING

B. Position Upgrades. CITY MANAGER

SUMMARY OF REQUEST: To upgrade the two Environmental Inspector positions to Zoning Environmental Inspector positions. This request is being made in order to have the new positions identify vacant buildings under the new vacant building ordinance.

FINANCIAL IMPACT: The annual additional cost will be approximately \$4,016 for the two positions.

BUDGET ACTION REQUIRED: A minor budget modification will be necessary during 2008.

STAFF RECOMMENDATION: None.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the position upgrades so we may implement the vacant building ordinance.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

C. 2008 User Fee Update. FINANCE

SUMMARY OF REQUEST: City departments have reviewed and updated their user fees and these have been incorporated into the Master Fee Resolution. New fees and fee changes proposed for 2008 include the following:

- Adjustments to cemetery fees;
- Clerk fee adjustments including a new fee to cover costs of processing liquor license expansion requests;
- Environmental fees increases and introduction of graduated fee schedule to address repeat environmental violations;
- New fees accompanying implementation of the vacant building registration ordinance;
- Increases in some electrical, mechanical and plumbing permit fee categories;
- Revamp of the rental housing licensing fee structure;
- Introduction of some new Marina fees for special services not previously charged for;
- Introduction of discounted "end-of-season" launch ramp fee for fisherman who only fish in the fall/winter.

FINANCIAL IMPACT: Increased revenue for fee supported activities.

BUDGET ACTION REQUIRED: None at this time. Adoption of the 2008 Master Fee Resolution will help the City attain its 2008 budgeted revenue estimates.

STAFF RECOMMENDATION: Approval.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the update of the 2008 User Fees.

ROLL VOTE: Ayes: Spataro, Warmington, Wisneski, Carter, Gawron, and Shepherd

Nays: None

MOTION PASSES

Motion by Commissioner Carter, second by Commissioner Shepherd to adjust the fee schedule for a new Class C Liquor License and the new Redevelopment License to \$2,500.

ROLL VOTE: Ayes: Warmington, Wisneski, Carter, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

Motion by Commissioner Carter, second by Commissioner Shepherd to adjust the fee schedule for a Charitable Gaming License to \$25 and the Gaming License request to \$50.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

D. Final Amendments to 2007 Budget. FINANCE

SUMMARY OF REQUEST: Adoption of year-end amendments to the City's 2007 Budget to assure compliance with the State *Uniform Budget Act*. This act requires that budgets for "governmental-type" funds (i.e. general fund and special revenue funds) be amended so that expenditures are not reported in the City's audit as exceeding legal appropriations. The state now requires that final budget amendments (as reported in the annual CAFR) be formally adopted by the governing body prior to the end of the fiscal year (December 31). As there will only be one meeting in December, it is necessary to prepare final 2007 budget amendments at this time.

FINANCIAL IMPACT: These budget amendments establish the final 2007 authorized revenue estimates and spending limits for the various City departments and funds.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: Approval.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the final amendments to the 2007 Budget.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

E. Collective Bargaining Agreement Extension - SEIU 517M, Unit 2. CITY MANAGER

SUMMARY OF REQUEST: To approve a one-year (2008) extension of the collective bargaining agreement with the SEIU 517M, Unit 2. All terms and conditions in the agreement will stay the same, except the members will receive a 2% wage increase for 2008.

FINANCIAL IMPACT: 2% wage increase for 2008.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the contract extension.

Motion by Commissioner Shepherd, second by Commissioner Carter to approve the collective bargaining agreement extension with the SEIU 517M, Unit 2, and authorize staff to complete the paperwork to implement the 2% increase with 1% to go to wages and 1% to the healthcare savings plan.

ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, and Wisneski

Nays: None

MOTION PASSES

F. 2008 Salary Schedule and Fringe Benefits for Non-Represented Employees and the 2008 Salary Schedule for Part-Time and Limited-Term Employees. CITY MANAGER

SUMMARY OF REQUEST:

- 1) To establish the 2008 salary ranges for part-time and limited-term employees;
- 2) To approve and adopt the proposed salary ranges and salary schedules for the non-represented administrative, technical, professional, and supervisory employees for 2008 (2% increase, with 1% mandatory salary deduction going to MERS Health Care Savings Plan).

FINANCIAL IMPACT:

- 1) Minimal. There are minor changes to steps and pay grades.
- 2) The salary increases will cost approximately \$52,700 plus approximately \$13, 175 in added fringe benefit costs.

BUDGET ACTION REQUIRED: To authorize the necessary 2008 budgetary amendments and transfer of money from the affected City funds (Contingency Account for General Fund) to the appropriate salary and fringe benefit accounts to accommodate the salary increases and fringe benefit adjustments.

STAFF RECOMMENDATION:

- 1) To approve the proposed 2008 salary ranges for part-time and limited-term employees;
- 2) To approve and adopt the proposed 2008 salary ranges, salary schedules, and fringe benefit changes for non-represented employees.

Motion by Commissioner Carter, second by Commissioner Wisneski to approve the 2008 salary schedule and fringe benefits for non-represented employees and the 2008 salary schedule for part-time and limited-term employees.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wisneski, and Carter

Nays: None.

MOTION PASSES

G. Milwaukee Clipper Agreement. CITY MANAGER

ITEM REMOVED PER CITY MANAGER'S REQUEST

H. Termination and Release of Easement – Old Sears Parking Lot Property.

Motion by Commissioner Carter, second by Commissioner Spataro to accept the Termination and Release of Easements for the Downtown Muskegon Development Corporation for Unit 5.

ROLL VOTE: Ayes: Spataro, Warmington, Wisneski, Carter, Gawron, and Shepherd

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Mayor Warmington thanked Jim and Joyce Mustin of River Road for their donation of the Christmas tree for Hackley Park and Curtis Andrews of Andy's Tree Service for their assistance in putting the tree up.

The local Government Channel will be moving in mid January from Channel 97 to Channel 911.

ADJOURNMENT: The City Commission Meeting adjourned at 6:55 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk